

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS.

Regular Meeting

January 27, 1949

10:40 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Pro tem Glass presiding.

Roll call:

Present: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Absent: Mayor Miller

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; W. T. Williams, Jr., Ass't City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Mayor Pro tem Glass stated that the Council and the citizens of Austin had suffered a great loss in the death of Miss Hallie McKellar who had served as City Clerk for more than thirty years. Miss McKellar had set a fine example of loyalty and faithfulness for City employees and for all of Austin's citizens to follow. A page in the Minute Book is to be set aside for a fitting resolution, and a picture of Miss McKellar will be hung in the City Clerk's office. A rising vote of condolence and a silent prayer was taken.

Carl Hardin, Jr., Chairman of the Travis County Polio Chapter, together with Don Grimes and Chas. L. Sandahl, members of the Chapter, appeared and requested that the City allow the Chapter to place a poster, or sticker, on each of the parking meters telling about their drive and asking the persons using the meters to put a dime in the meter for this drive in addition to the 5¢ they put in the meter for parking privileges, as in this way, they believed that a considerable amount of money could be raised.

Councilman Johnson moved that the Travis County Polio Chapter be given permission to place stickers on the parking meters as requested by the Chairman of the Travis County Polio Chapter, for the duration of their drive.

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Judge Ben Powell appeared and requested that the public hearing called for today on his clients, Messers Jack G. Taylor and A. P. Dooley, request for a change in the zoning of the property located from Enfield Road to West

12th Street, Saybrook west to Wayside Drive, from "B" Residence District to "A" Residence District, be postponed for two weeks so that all of the Council members could be present and hear the arguments for and against this change.

Councilman Long moved that the request of Judge Powell be granted and the public hearing be re-set for February 10, 1949, 11 A. M. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Pursuant to published notice thereof, the public hearing of the application of P. S. Mangum to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lots 17 and 18, Forest Hills "B", located
at 2310 and 2400 Manor Road, in the City
of Austin, Travis County, Texas,

was duly opened.

The following appeared for the change: None

The following appeared against the change: None

There being no protests against the proposed change, the hearing was thereupon closed. Councilman Long moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney instructed to prepare the ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Pursuant to published notice thereof, the public hearing of the application of Jac Gubbels to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

Lot 4 and parts of Lots 2 and 3, Block 4,
Silverton Heights Subdivision and being
known as 6808 Guadalupe Street, and 601 thru
609 Kenniston, in the City of Austin, Travis
County, Texas,

was duly opened.

The following appeared for the change: Jac Gubbels

The following appeared against the change: None

There being no protests against the proposed change, the hearing was thereupon closed. Councilman Bartholomew moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney

instructed to prepare the ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
 Noes: None
 Absent: Mayor Miller

The City Manager submitted the following memorandum:

"January 26, 1949

Memorandum to: Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received Tuesday, January 25, for the construction of Lamar Boulevard from 24th to 45th streets. The bids were as follows:

Base Bid

O. B. McKown & Sons	\$250,540.65
Collins Construction Co.	256,218.02
Rex D. Kitchens Construction Co.	273,841.15
Holland Page	274,887.53
Gaylord Construction Co.	291,162.60
Brown & Root, Inc.	305,813.08

Alternate Bid

O. B. McKown & Sons	241,024.16
Collins Construction Co.	244,365.77
Holland Page	254,177.26
Gaylord Construction Co.	281,686.78
Brown & Root, Inc.	292,171.21

Your attention is called to a technicality that arose during the reading of the above bids. The bid of O. B. McKown and Sons was the last read and when the envelope was opened, it was found that no bid bond or cashier's check was enclosed. This fact was called to the attention of the bidders and Mr. McKown submitted his cashier's check then and there to accompany his bid. He explained that in his rush to meet the deadline, he failed to insert the check in the envelope, and instead, had it in his coat pocket. The McKown bid was read and tabulated with the other five submitted.

An objection was registered by Collins Construction Company to this procedure on the grounds that the cashier's check was not actually enclosed in the envelope with the McKown bid.

We feel that this irregularity was an unintentional oversight, and perhaps should be treated as such. We are also of the opinion that the contract, whether awarded to McKown or Collins, should be awarded on the alternate bid since the designs for the base bid and alternate were set up as competitive, and the alternate in each case is some 10 or 12 thousand dollars cheaper.

The Council discussed this irregularity and suggested to the Director of Public Works that in the future when bids are read they should all be opened before they are read to see that they are in order thereby eliminating the possibility of any irregularity.

Upon the recommendation of the City Manager and the Director of Public Works, Councilman Long moved that the alternate bid of O. B. McKOWN and SONS, in the amount of \$241,024.16, for the construction of Lamar Boulevard, from 24th to 45th streets, be accepted, and the City Manager directed to enter into a contract with the said O. B. McKOWN and SONS accordingly. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Tax roll for the year 1947 carries an assessable valuation of \$1,240 against improvements on Lot 4, Block 2, Davis and Dawson Subdivision, Plat 123-C, Item 5, assessed in the name of James Hudson; and

WHEREAS, it has been substantiated that as of January 1, 1947, in actuality there were no improvements located on said lot; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so instructed, to remove this assessment value of \$1,240 against said improvements on Lot 4, Block 2, Davis and Dawson Subdivision, from the Tax roll for the year 1947.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the Tax roll for the year 1947 there appears an assessment valuation of \$13,130 on improvements on Lot 1, Block 9, Westfield A, Plat 154, Item 1, in the name of Dudley Prade; and

WHEREAS, the status of construction work on said improvements was such that an appraisal based on the actual percentage of completion would warrant a reduction of this assessment from \$13,130 to \$3,500 on the improvements as of January 1, 1947; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be directed, and he is hereby so instructed, to reduce the assessed value of said improvements on Lot 1, Block 9, Westfield A, from \$13,130 to \$3,500 for the year 1947.

Which motion, carrying with it the adoption of the resolution, carried

by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Tax roll for the year 1947 carries an assessable valuation of \$490 on the land described as 74/100 acre, O. L. 11, Div. B, Glen Oaks, Plat 260, Item 84, assessed in the name of Mrs. Elizabeth K. Greig; and

WHEREAS, in the opinion of the Board of Equalization constituted to equalize values for the following year, 1948, this land value was considered excessive and was reduced to \$70 for the year 1948 by action of the Board of Equalization, sustained by the City Council in the adoption of the Tax roll for the year 1948; and

WHEREAS, it appears equitable to accord the property referred to the same adjustment of valuation for the year 1947 as was allowed for the year 1948; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so instructed, to reduce the assessable value of said 74/100 acre, O. L. 11, Div. B, Glen Oaks, for the year 1947 from \$490 to \$70.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Tax roll for the year 1947 carries an assessable valuation of \$80 on the land described as Lot 3, Outlet 63, Division B, Glen Oaks Subdivision, Plat 258, Item 17, assessed in the name of Elizabeth K. Greig; and

WHEREAS, in the opinion of the Board of Equalization constituted to equalize values for the following year, 1948, this lot value was considered excessive and was reduced to \$20 for the year 1948 by action of the Board of Equalization and sustained by the City Council in the adoption of the Tax roll for the year 1948; and

WHEREAS, it appears equitable to accord the property referred to the same adjustment of valuation for the year as was allowed for the year 1948; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so instructed, to reduce the assessable value of said Lot 3, Outlet 63, Divi-

sion B, Glen Oaks, for the year 1947 from \$80 to \$20.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Walter P. Martin has made application in writing for permission to operate a dental clinic for human beings only, on Lot 6, Block 178, of the Original City of Austin, Travis County, Texas, the same being located on the south side of 15th Street and locally known as 605 West 15th Street, and is located in a "B" Residence District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the operation of a dental clinic for human beings only be granted to Mrs. Walter P. Martin with the following conditions:

- (1) That this clinic be used in the general practice of denistry and that no mental or psychiatric patients be housed in such clinic.
- (2) That all setback regulations required in this zone and all building code provisions be complied with in the operation of such building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 12th STREET, from Hargrave Street easterly 286 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south property line of said EAST 12th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in KENWOOD AVENUE, from Bonham Terrace southerly 144 feet, the centerline of which gas main shall be 17 feet west of and parallel to the east property line of said KENWOOD AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in SOUTH 5th STREET, from a point 212 feet south of West Live Oak Street southerly 46 feet, the centerline of which gas main shall be 25 feet west of and parallel to the east property line of said SOUTH 5th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in MARIPOSA DRIVE, from Kenwood Avenue easterly 36 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said MARIPOSA DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WOODROW AVENUE, from a point 673 feet south of Koenig Lane northerly 342 feet, the centerline of which gas main shall be $22\frac{1}{2}$ feet west of and parallel to the east property line of said WOODROW AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in CANTERBURY STREET, from a point 16 feet east of Llano Street easterly 378 feet, the centerline of which gas main shall be 19 feet south of and parallel to the north property line of said CANTERBURY STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in SOUTH 2nd STREET, from a point 36 feet south of West Milton Street northerly 24 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said SOUTH 2nd STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST 20th STREET, from a point 28 feet west of Alamo Street westerly 71 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north

property line of said EAST 20th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in EAST $9\frac{1}{2}$ STREET, from a point 52 feet east of Comal Street easterly 39 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet north of and parallel to the south property line of said EAST $9\frac{1}{2}$ Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in DORIS DRIVE, from a point 36 feet west of Bowling Green Drive easterly 79 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said DORIS DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in BOWLING GREEN DRIVE, from Doris Drive southerly 141 feet, the centerline of said gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said BOWLING GREEN DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines names in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Leslie F. Crockett is the Contractor for the erection of a building located at 1904 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lot 39, Outlot 22, Division D, in the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Leslie F. Crockett, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street 70 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the southeast corner of the above described property.

No parking shall be permitted on the west side of Guadalupe Street within 30 feet north of the proposed barricade to permit ingress for the delivery of materials.

2. THAT the above privileges and allotment of space are granted to the said Leslie F. Crockett, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of

the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor shall be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lightning system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions in the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1949.

(10) That the City reserves the right to revoke at any time any and all privileges herein granted or to require the erection of installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Received the report of Charles A. Weeg, Administrator, Brackenridge Hospital, setting forth the names of the Medical Staff of the Hospital for the year 1949. The Council approved the staff and ordered the report filed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Jacob A. Newborn, Jr. for the laying of certain water mains, sanitary sewers and other pipes in North Harmon Terrace, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

THAT the final plat of the "Resubdivision of Blocks P and C, Highland Park West", approved by the City Plan Commission of the City of Austin on May 29, 1947, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

THAT the final plat of the subdivision known as "North Harmon Terrace", approved by the City Plan Commission of the City of Austin on January 13, 1949, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Lillie Mae Howard Bennett

- I. Referred to the Board by the City Council on: January 13, 1949
- II. Property affected: Lots 4 and 5, Block 2, Outlot 34, Division B, being located at the northwest corner of East 12th and Alamo Streets and locally known as 2012 and 2014 East 12th Street.
- III. To be changed:

From: "A" Residence District and First Height and Area District

To: "C" Commercial District and First Height and Area District

- IV. Considered by the Board on: January 25, 1949

- V. Parties appearing:

For: Lillie Mae Howard Bennett and Scales Schultzy

Against: Floyd Chiles

- VI. Action of the Board: Change recommended.

For the following reasons:

1. This application is for a change of zoning on two lots located at the northwest corner of East 12th and Alamo Streets as an extension of the existing commercial zone which includes three lots in the west portion of the same block for the purpose of erecting a grocery store, affirming that this property is not suitable for residential development because of surrounding conditions and zoning.
2. Opposition to this change was expressed by Floyd Chiles, owner of property in the existing commercial zone on the south side of East 12th Street, on the grounds that he wished the property in this block to remain residential.
3. The Board deemed that this property is not suitable for residential development since the west portion of the block is zoned commercial and that the change should be made to permit commercial development in harmony with uses permitted on the remaining property and would be an extension of the present commercial zone to include the remainder of the block, and, therefore, recommends that the property be designated as "C" Commercial District.

(Sgd) H. F. Kuhne
Chairman "

Councilman Johnson moved that a public hearing on the above application for change in zoning be called for February 17, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: W. T. Caswell and Jake Silberstein

I. Referred to the Board by the City Council on: January 13 and 20, 1949

II. Property affected:

Lots 6, 7, 8, and 9, Block 2, Outlot 22, Division O, Cypher Addition, being located on the west side of Chicon Street between East 2nd and East 3rd Streets and locally known as 200-210 Chicon Street.

III. To be changed:

From: "A" Residence District and Second Height and Area District

To: "C" Commercial District and Second Height and Area District

IV. Considered by the Board on: January 25, 1949

V. Parties appearing:

For: W. T. Caswell and Aubrey L. Moyer

Against: R. B. Thrasher, Attorney, and Consuelo Herrera and Carlos Sanchez, objection to Silberstein property but not to Caswell property.

VI. Action of the Board: Change recommended to include Lots 7, 8, 9, but to exclude Lot 6.

For the following reasons:

1. The applicant, Mr. W. T. Caswell, is requesting a change of zoning on his lot at the northwest corner of Chicon and East 2nd Streets for the purpose of erecting a warehouse, affirming that the property is no longer suitable for residential development because of changing conditions and the fact that the majority of property in this section of the city is already zoned commercial or industrial, and the location of the City fire station directly across Chicon Street.
2. The applicant, Mr. Jake Silberstein, is requesting a change of zoning on his three lots located north of and adjoining Mr. Caswell's lot and extending to East 3rd Street on the same grounds and on the further basis that rent controls prohibit repairs needed on the existing small residences which are in a dilapidated condition and which he proposes

to remove and erect commercial buildings.

3. Opposition to a change of zoning on the one lot owned by Mr. Silberstein and fronting on East 3rd Street was expressed by adjacent property owners, one of whom is now operating a non-conforming grocery store on his property, but no opposition was expressed to a change on the remaining property requested by both applicants.
4. The Board deemed that, because of the changing conditions and encroachment of commercial and industrial development in this neighborhood, this property is no longer suitable for residential development and should be zoned commercial to permit the proper uses, but further deemed that the commercial district should not include the lot at the corner of Chicon and East 3rd Streets at this time and, therefore, recommends that the property located at the northwest corner of Chicon and East 2nd Street be changed to include Lots 7, 8, and 9 only.

(Sgd) H. F. Kuehne,
Chairman "

Councilman Bartholomew moved that a public hearing on the above application for a change in zoning be called for February 17, 1949, at 11:00 A. M.. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Mitchel N. Toney

I. Referred to the Board by the City Council on: January 13, 1949

II. Property affected:

Lots 1, 2, 3, 4, 5, and 6, Block 9, Lincoln Place, being located on the north side of East 7th Street between Northwestern Avenue, or the railroad, and Perdenales Street, and locally known as the 2400 block East 7th Street.

III. To be changed:

From: "D" Industrial District and Third Height and Area District

To: "C-2" Commercial District and Third Height and Area District

IV. Considered by the Board on: January 25, 1949

V. Parties appearing:

For: Mitchel N. Toney

Against: None

VI. Action of the Board: Change NOT recommended

For the following reasons:

1. This application is for a change of zoning on property located on the north side of East 7th Street between Northwestern Avenue and Perdenales Street for the purpose of establishing a grocery store and package store for the sale of beer or liquor for off-site consumption.
2. The applicant affirms that he owns two lots in the block but requested that the entire block be changed, and that he had not contacted the owners of the remaining portion to ascertain their attitude toward changing their property.
3. The Board deemed that this change would be restricting the property to uses of a higher classification than that of surrounding property in an area which is rapidly developing into an industrial area in accordance with the master plan for the City, and that to change this block or a part thereof would create a zone out of harmony with the surrounding property and would create a "C-2" Commercial District separated from existing "C-2" zones which would be difficult to police; and further deemed that to create this "C-2" zone on East 7th Street, which is a high-speed traffic thoroughfare and which is adjacent to a railroad crossing, would cause traffic hazards, and that there is no public demand or necessity for a "C-2" use at this location since there is a designated "C-2" Commercial District on Webberville Road about two blocks northwest of this block.

(Sgd) H. F. Kuehne,
Chairman "

Councilman Long moved that a public hearing on the above application for a change in zoning be called for February 17, 1949, at 11:00 A. M.. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS

ZONING CHANGE RECOMMENDATION

Applicant: J. C. Galloway

- I. Referred to the Board by the City Council on: January 13, 1949
- II. Property affected:

West one-half of Lots 7 and 8, Block 13, Glenwood Addition, Outlots 32 and 33, Division B, being located at the northeast corner of Chestnut Avenue and East 14th Street and locally known as 1403 Chestnut Avenue.

- III. To be changed:
From: "A" Residence and First Height and Area District
To: "C" Commercial District and First Height and Area District

IV. Considered by the Board on: January 25, 1949

V. Parties appearing:

For: J. C. Galloway

Against. None. Johnny Shell appeared and stated she would object to the sale of beer or liquor but not to other uses.

VI. Action of the Board: Change NOT recommended.

For the following reasons:

1. This application is for a change of zoning on a portion of two lots at the northeast corner of Chestnut Avenue and East 14th Street, the remaining portion adjacent to the alley not being included since the appellant's home is located thereon, and the applicant affirms that he proposes to erect a cleaning and pressing shop on the property.
2. To change this one small portion of the lots would create a spot zone in a residential district, the grocery store and ice house located south across 14th Street having been in existence prior to the passage of the Zoning Ordinance and being a non-conforming use, and the change would not be in response to any expressed public necessity for additional commercial development.
3. The Board, therefore, recommends that this change be denied and the present designation of the property as "A" Residence District be retained.

(Sgd) H. F. Kuehne
Chairman "

Councilman Johnson moved that a public hearing on the above application for a change in zoning be called for February 17, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: J. W. Vaughn

- I. Referred to the Board by the City Council on: January 13, 1949

II. Property affected:

Lots 2, 3, 4 and 5, Block 7, Silverton Heights, being located at the northeast corner of Airport Boulevard and Guadalupe street and locally known as 6800 Guadalupe Street.

III. To be changed:

From: "A" Residence and First Height and Area District

To: "C" Commercial District and First Height and Area District

IV. Considered by the Board on January 25, 1949

V. Parties appearing:

For: J. W. Vaughn

Against: None

VI. Action of the Board: Change recommended.

For the following reasons:

1. This application is for a change of zoning on four lots located at the northeast corner of Airport Boulevard, Guadalupe Street, and Pampa Drive, and is located east across Guadalupe Street from a triangular tract recently recommended by the Board to be changed to "C" Commercial District.
2. The applicant affirms that because of its location adjacent to the Airport Boulevard and the H. & T. C. Railroad immediately southwest of the Boulevard, the property is not desirable for residential development; and further affirms that he plans to construct a filling station on the corner and possibly a community center development on the remainder of the property.
3. No objection to this change was expressed by property owners in the area in response to notices to the proposed change given by the Board.
4. The Board deemed, under the conditions and circumstances and because of the development of Airport Boulevard and the existence of the railroad track and the enlarged commercial and industrial developments to the west of this property, that the character of this property has changed and is not now suitable for residential development and could be properly considered a commercial district.

(Sgd) H. F. Kuehne,
Chairman."

Councilman Bartholomew moved that a public hearing on the above application for a change in zoning be called for February 17, 1949, at 11:00 A.M. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The City Manager recommended that Burke Matthews who submitted the only bid on the concessions at Zilker Springs and Deep Eddy Pools, for the year 1949 be awarded the bid, but that instead of the lump sum bid of \$3,400.00, 15% of the gross receipts be requested. Mr. Matthews was present and stated that he would agree to such a change. Councilman Long moved that the City Manager be authorized to enter into a contract with Burke Matthews on the 15% of gross receipts agreement, which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

O. R. Lott appeared and requested that he be allowed to purchase three small pieces of land on East 7th Street, adjacent to his property, to be used for parking purposes for his customers. The Council advised him that should this land be sold it would have to be advertised and sold to the highest bidder.

Mrs. E. S. Watson, 2105 Travis Heights Boulevard, appeared and complained about the property on East Live Oak Street, immediately south of her property, being used as a junk yard. She said that she had been advised that Marshall Body Works had purchased this property and were going to use it as a storage place for their surplus wrecked cars and car parts. The Building Inspector was called and he stated that an investigation of this complaint had been made by his department and it was found that only 150 feet of this property was inside the City limits and that the junk was stored just outside of the City limits and, therefore, the City could do nothing about it. The Council assured Mrs. Watson that a thorough investigation would be made and if the City could do anything about this they would.

Councilman Johnson moved that the following applications for changes in zoning be referred to the Board of Adjustment for consideration and recommendation:

C. V. Anderson 706 East 53rd Street, change property located at 5301
Eilers Street, from "A" Residence to "C" Commercial,

M. H. Flournoy, 1501 Newfield Lane, change property located at 1405
Chestnut Street, from "A" Residence to "C" Commercial,

C. J. Boes Estate by Wilhelmine B. Sheffield, 506 West 34th street, change
property located at 4914-20 East Avenue, from "A"
Residence to "C" Commercial,

W. W. Stevens, 913 West 30th Street, change property located at 913
West 30th Street, from "A" Residence to "C" Commercial.

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Long moved that the following applications for taxicab operator's license, and taxicab driver's permits, duly approved by the City Manager, be granted:

Taxicab operator's license:

Nathaniel M. Scheumack, Route 5, Box 409, 4-door Kaiser Sedan, 1949
 Model, Serial No. K492-008992, Motor No. KK-8664
 License No. JV-8255.

Taxicab driver's permits:

Thos. E. Beauchamp,	1712 Fortview Road
John M. Byrns, Jr.	Route 1, Del Valle, Texas
Richard L. Corbello,	308 East 17th street
Lloyd W. Gunn, Jr.,	306 East 15th street
Claude L. Jones,	1029 Ellingson Lane
Lonnie B. Light,	1602 Garden street
Nelson R. Mills,	408 East 29th street
Guy M. Parrish,	605 West 28th street
Robert Ruff, Jr.	208 West Pecan street, Lockhart, Texas

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Bartholomew moved that the taxicab driver's 90-day probationary permit granted Foy Moulder, 1009 Lambie street, on December 2, 1948, be revoked; this action having been recommended by the City Manager and the Chief of Police because of his police record. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Johnson moved that the following application for a beer and wine permit, duly approved by the City Manager, be granted:

Red River Cafe, 1017 Red River street, Joe Carlin owner.

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

Councilman Bartholomew offered the following ordinance and moved its adoption:

AN ORDINANCE PERPETUALLY ABANDONING AND
 VACATING ALL EASEMENTS, OTHER THAN STREETS,
 DESIGNATED ON THE PLAT OF HOLLANDALE ADDI-
 TION, IN THE CITY OF AUSTIN, TRAVIS COUNTY,
 TEXAS; AND SUSPENDING THE RULE REQUIRING THE
 READING OF AN ORDINANCE ON THREE SEPARATE
 DAYS.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass

Noes: None

Absent: Mayor Miller

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Mayor Pro tem Glass then announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND
CLOSING CERTAIN STREETS IN HOLLANDALE
ADDITION IN THE CITY OF AUSTIN, TRAVIS
COUNTY, TEXAS; AND SUSPENDING THE RULE
REQUIRING THE READING OF AN ORDINANCE
ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Johnson, Long, Mayor Pro tem Glass
Noes: None
Absent: Mayor Miller

Mayor Pro tem Glass then announced that the ordinance had been finally passed.

There being no further business, upon motion of Councilman Johnson, the meeting was recessed at 12:25 P. M., subject to call of the Mayor.

ATTEST:


Acting City Clerk

APPROVED:


Mayor Pro tem

IN MEMORIAM

HALLIE McKELLAR

CITY CLERK, CITY of AUSTIN

DIED, JANUARY 22, 1949